1867-007 Chancery Causes: Silas H. Wolfe vs. James M. Hamblen & Lee Co.

Long

CA - Contract Dispute
T - Property

To the worshipful County Court of Lee
County in Chancery Sitting
The bill of Complaint of Silas N. Wolf of said
County respectfully represents that on the 21st day
of December 1862 he purchased a certain tract
or parcel of land of one Henry D Hamblen of
said County for the sum of fifteen hundred
Dollars and executed his bonds for the purchase
money one of which was for Thirteen hundred
dollars due January 20th 1863 and another
for two hundred dollars due May 1st 1863. And
the said Henry D Hamblen executed to your Orator
a certain instrument of writing subscribed by the
said Hamblen bearing date on the said 21st of
January 1863 which is herewith filed marked A
and prayed to be taken as part of this bill. By
which writing he the said Hamblen bound himself
and agreed to make to your Orator a good
and sufficient deed to the tract of land purchased
by your Orator as aforesaid when the purchase
money is paid which tract or parcel of land is
the same that the said Henry D Hamblen purchased
from one Austin Myrick and which is a part
of the McCurdy Survey lying and being in the
said County of Lee and contains One hundred
acres. And for a further and more accurate
discription thereof reference is hereby made
to a copy of the deed executed by the said Myrick
to said Hamblen marked B. and made a part
of this bill. Your Orator now shews that
the said Henry D Hamblen departed this life
on the - day of — 1863 without having made to
your Orator any deed of conveyance to said land

The Said Henry D Hamblen your Orator
alleges that he fully paid up the Said purchase
money, the greater part of which was paid by your
Orator to the Said Hamblen in his life time
And the residue has been paid since his
death to Henry J Morgan the administrator
of his estate, which will appear by the bonds
which your Orator executed as aforesaid and
which were delivered to him on payment and
are herewith filed marked [illegible]

The Said Henry D Hamblen at the time of
his death left the following children to wit
Delithia who intermarried with James S Long
James M Hamblen and Robert D Hamblen
The Said Delithia is now dead and has
left the following children to wit. Precians
Long, Henry Long, Allice Long, and
McGee Long who are the heirs at law of
the Said Henry D Hamblen and all of whom
are infants, and to whom the legal title
to Said tract of land has vested by descent,

Now the object of this bill is to obtain
from the Said heirs a title to Said land
pursuant to the contract made as aforesaid
with the Said Henry,

Your Orators prayer therefore is that the
Said James M Hamblen Robert D Hamblen
Precians Long, Henry Long, Allice Long and
McGee Long And also Richard M Hamblen
and who are the
guardians of Said infants be made party
defendants to this bill And answer
its allegations upon oath, And on

And also that a guardian ad litem be appointed
for said infants who will answer for them, And on
a hearing of the cause a Commissioner
be appointed whom duly it shall be made
to your Orator a deed of conveyance to Said
land which will vest him as fully with the
legal title thereto as if made by the Said
Henry D Hamblen in his lifetime in pursuance
to his Said contract And grant further
And general relief, May Summons issue &c

Hagan. P. Q.

[illegible]

Delos A. Wolfe

Pf } Bill - Ch

Jas. N. Hamblen & others

Exhibits filed

1867. Jan. Bill filed & Decree Nisi &
David Miller appointed Guardian
ad litem
Feb. Decree Nisi Confirmed
& cause set for hearing by Pff
Feb. Decree Ordering Deed
" Term Decree final

C	3.18
a	5.00
S	1.00
J	.50
D	.50
Com	2.50
	$12.68
Ct	5.00
	17.68

To the Worshipful the County court of Lee County in Chancery Sitting

The answer of James N. Hamblen and Robert C. Hamblen, Precious Long, Henry Long, Alice Long, and McGee Long infants under the age of twenty one years by David Miller their Guardian ad litem to a bill filed in this Court by Silas Wolfe against these defendants and others respectfully represents that they are infants under the age of twenty one years and of their own knowledge know nothing of the allegations contained in complainants bill the Courts of equity being the peculiar Guardians of infants they ask the protection of this Court in all matters affecting their rights and interests in this suit, and will further state that they know of no just cause why the ~~Complt~~ prayer in complts bill should not be granted and having answered as fully as they are advised it is material for them to answer they pray to be dismissed with their costs.

David Miller
Guardian ad litem

Fee as guardian ad litem $5.00

H. D. Hamblen's Heirs

vs. } Answer of
} David Miller
} guardian ad litem

Silas Wolfe

Sworn to in open Court
by David Miller, Guardian
ad litem.
Teste ~ J. Bivest dep. clerk

No 1159

Silas A Wolfe
against
James A. Gamblin & others
} In Ch

This cause came on again this day to be heard upon the papers formerly read in the cause and the report of Commissioner Henry L Morgan who has been directed by a decree in this cause to execute and acknowledge a deed of conveyance to the plaintiff of the land in the bill mentioned and was argued by Counsel. And it appearing to the Court that the said Commissioner has duly performed the duties assigned by the former decree and there being no exception to said report the same is confirmed

On consideration whereof it is adjudged ordered and decreed that the plaintiff hold the land conveyed to him by said Commissioner in as full and ample a manner as if the conveyance had been made by Henry A Gamblin in his lifetime or his heirs since his death. And the said deed is ordered to be placed in the hands of the Clerk of this Court for recordation And no further action being necessary the cause is stricken off the docket

Silas A Wolfe

vs } decree - final

Jos. N Hamblen & others

end 439

Silas N. Wolfe
against
James N. Hamblen & others } In Ch

This cause came on this day to be heard upon the bill of the plaintiff the exhibits filed the Answer of James N. Hamblen Robert G Hamblen, Precious Long, Henry Long, Allice Long Anne Wm Lee Long, the infant defendants by Davie Miller their guardian ad litem and was argued by counsel.

And it appearing to the Court that that process has been duly served on all the defendants, and the adults still failing to appear, the bill is therefor taken for confessed as to them, And it further appearing to the Court that the plaintiff has shown himself entitled to obtain from the heirs of Henry D Hamblen the legal title to the land in the bill mentioned. On consideration whereof it is adjudged ordered and decreed That Henry J Morgan commissioner of this Court make to the plaintiff a deed of conveyance to the land in the bill mentioned with covenants of special warranty which deed the said commissioner is directed to properly execute and acknowledge, and report his action to this Court at its present term

Silas A Wolfe

vs } Decree int

Jas. N Hamblen Potters

Entered on Page 620

H J Morgan

ch 4439

Silas H Woolf Plff
vs
James N Hamblen et al Defts
} In Chancery

To the Worshipful County Court of Lee County

By a Decree of your Worships entered in the above cause on the 20th February 1867. I was appointed a commissioner for the purpose and directed to convey to the plaintiff by proper deed, the land in the bill mentioned from the heirs of Henry D Hamblin deceased with covenants of Special warranty.

Pursuant to the said Decree, I as such commissioner have executed and acknowledged for record such deed as is directed by the decree aforesaid, which is filed herewith as part of this report

Respectfully Submitted.
Henry J. Morgan Comr.
February 20th 1867.

Silas A Woolf

vs Z Comr Report

James N. Hamblen et al

No 439

Knowe all men by these presence that
I Henry D Hamblen of the County of Lee
and State of Virginia am held and firmly
bound unto Silas H Wolf of the County
of Lee and State of virginia in the
pelal sum of three thousand Dollars
of current money of the Confederate
States to the said wolf a good and
lawful deed to and for the land
described belowe so soon as the
last purchase money is paid Which
is to three hundred Dollars the 20 day
of January 1863 and two Hundred
Dollars to be paid the first of may
1865 the land lies in the County
of Lee and State of virginia in
the McCrady Survay known as
the land I Baught of Olen
Wyrick containing 100 Acors
The nature of this obligation is such
that if I the said Hamblen prefom
then this instrument is to be null
and void other wise to remain
in full force & virtue given under
my hand this 21 day of December
1862

H. D Hamblen

Test William H Long

Henry D. Hamblen
to
Tille Bond
&
Silas H. Wolfe

(A)

$1300 on or before the twenty of
January 1863 I bind myself heirs and &c
to pay H D Hamblen Thirteen hundred
Dollars for a potion of land red of
him as witness my hand and
seal this 21 day of December 1862
Attst Mc + Long Silas B Wolf (Seal)

(9)

Silas Wolf
Note for $1300.

1125
675

I hereby certify that the within note was made to H. H. Adams
W. E. Merrill